



PRE-BID MEETING MINUTES

Project: Track Improvements to the Buffalo Southern Railroad Mainline Track Restoration and Bridge Rehabilitation Between MP 2.70 Buffalo, NY and MP 32.90 Gowanda, NY
NYSDOT PIN 5936.82.301, Contract # DR38925

Date/Time: December 5, 2024, 11:00 AM (EST)

Location: Virtual Teams Meeting (The meeting was planned to be in-person, however was changed due to weather, accessibility and safety concerns)

1.0 INTRODUCTION OF PARTIES

1.1 Owner

Erie County IDA (Owner) and Buffalo Southern Railroad Company, Inc. (Rail Operator)

1.2 Owner's Contact

Talia Johnson-Huff
ECIDA
95 Perry St. Suite 403
Buffalo, New York 14203
716-362-8388
Tjohnson-huff@ecidany.com

Steve Patterson
Buffalo Southern Railroad
11200 Gowanda State Road, PO Box 10
North Collins, NY 14111
716-992-4979
spatterson@buffalosouthernrr.com

1.3 Engineer

C&S Engineers, Inc. is the Engineer of Record and will be the Owner's Representative during the construction of this project. The Engineer's project manager is:

Carl W. Rode, P.E.
C&S Engineers, Inc.
499 Col. Eileen Collins Blvd.
Syracuse, NY 13212
315-898-8913
crode@cscos.com

1.4 Pre-Bid Meeting Attendance List

Name	Organization	Email
Carl Rode	C&S Engineers	crode@cscos.com
Yazbeck Sarkees	C&S Engineers	ysarkees@cscos.com
Buuda Blanco		
Ashley Allen	Frontier RR	AAllen@frontierrailroad.com
Todd J Terech	NYSDOT	Todd.Terech@dot.ny.gov
Jonathan H. Barnhart	GW Peoples	jbarnhart@gwpeoples.com
Talia Johnson- Huff	ECIDA	Tjohnson-huff@ecidany.com
Alex Telford	GW Peoples	ATelford@gwpeoples.com
Aaron Bohn	WJ Riegel	
Nathan Tacsik	RailWorks	NTacsik@railworks.com
Aaron Ballish	GW Peoples	aballish@gwpeoples.com
Thomas Tibbs	Mark Cerrone	TTibbs@markcerrone.com
Ken Parkus	RailWorks	KParkus@railworks.com
Evan Klein	RailWorks	EKlein@railworks.com
Paulette Renaldo	BSOR	prenaldo@buffalosouthernrr.com
Steve Patterson	BSOR	spatterson@buffalosouthernrr.com
Rob Gardner	Kennedy	rgardner@kennedyrailroad.com
14108791322		
17169970801		
Daniel Sloan	NYSDOT	Daniel.Sloan@dot.ny.gov
Tom Tibbs		
John Camerota	NYSDOT	John.Camerota@dot.ny.gov
Mark S		
17165796522		
13307205126		
Jerry Onhiser	RailWorks	Jonhiser@railworks.com

2.0 GENERAL INFORMATION

2.1 Bid Date

Sealed bids will be received up until the hour of one-thirty (1:30) PM railroad time on Thursday, December 19, 2024 at the ECIDA office.

**Erie County Industrial Development Agency
Attn: Talia Johnson-Huff
95 Perry St. Suite 403
Buffalo, New York 14203**

Bidders must submit the full bid package, sealed and delivered by mail, courier, in-person, etc. to be considered. No electronic or partial submittals will be considered.

2.2 Schedule for Completion

All work must be substantially complete by August 31, 2025.

The Buffalo Southern Railroad handles propane for one of its customers which begins receiving increased volumes in late summer/early fall. The opportunity and flexibility by the railroad to provide extended track outages beyond August 31st cannot be guaranteed. Prior to August 31st through the spring and summer months, the Railroad has more flexibility to work with the selected Contractor to schedule more frequent and/or lengthier track outages.

The BSOR has expressed that they expect to be able to provide regular track outages of approximately 3 to 4 days in duration for construction activities at bridges MP 13.94, MP 15.85 and MP 22.25 during summer months when requested and properly coordinated in advance.

The bridge at MP 32.90 and the track rehabilitation between MP 30.81 and MP 32.90 are located on excepted track that is infrequently used. Track outages with durations as requested by the Contractor in these areas will likely be able to be accommodated.

2.3 Wage Rates

This project is funded by the New York State Department of Transportation's (NYSDOT) Passenger and Freight Rail Assistance Program (PFRAP). NYS prevailing wage rates are included in Appendix B of the contract documents and can also be accessed on the New York State Department of Labor referencing PRC# 2024013075.

The awarded Contractor shall also follow Erie County Local Law 2-2006, regarding apprenticeship if applicable.

2.4 Security and Safety

The Buffalo Southern Railroad Co., Inc. operates the rail line on a continuous basis. The Contractor shall confirm on a daily basis or hourly if required by the railroad whether a pre-arranged track removed from service by the Buffalo Southern Railroad Co., Inc. is still out of service. The Contractor shall coordinate for flag protection provided by Buffalo Southern Railroad Co., Inc. for any track work on active track or active adjacent track with Steve Patterson.

The Contractors labor forces, including Subcontractors, shall have completed a Roadway Worker Protection training covering the rules found in 49 CFR 214 Part C and a FRA Bridge Worker Fall Protection training that familiarizes participants with 49 CFR Part 214 Subpart B, bridge worker safety standards. Certificates of successful course completion must be provided to the Railroad prior to beginning work and/or adding new employees.

Contractors shall have a current and approved Federal Railroad Administration Control of Alcohol and Drug Use plan in compliance with 49 CFR 219. All Contractor and Subcontractor employees working on Railroad property shall be included under this plan. A copy of the Contractors FRA 219 plan shall be provided to the Railroad prior to beginning work.

2.5 Performance and Payment Bonds

Performance and payment bonds in an amount equal to 100% of the accepted bid amount are required. A Statement of Surety's Intent shall be submitted with the Bid.

2.6 Bid Security

Bid security in the amount of 5% of the bid price must accompany each bid in the form of a certified check, bank cashier's check or bid bond payable to the Owner.

2.7 Insurance

Insurance requirements are included in the General Conditions. The Erie County Industrial Development Agency, Buffalo Southern Railroad Company, Inc., Erie County, New York State Department of Transportation, and C&S Engineers, Inc. shall be listed as additional insureds on all policies.

2.9 Questions

Questions must be submitted in writing via email to Talia Johnson-Huff, Tjohnson-huff@ecidany.com and Carl Rode, crode@cscos.com. Questions are due by Friday, December 13th before the close of business so there is time to prepare responses and issue an addendum by the close of business on Monday, December 16th.

2.10 M/WBE Requirements

ECIDA hereby notifies all bidders that it will affirmatively insure that with regard to any Contract entered into pursuant to this Request for Bids, Minority, Women and Service Disabled Veteran-owned Business Enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, religion, color, sex, or national origin in consideration of an award. The County of Erie has established the following Minority Business Enterprise (MBE), Women's Business Enterprise (WBE), and Service-Disabled Veteran Enterprise participation goals for this contract.

9% MBE
13% WBE
6% SDVOB

The goals are expressed as a percentage of the total bid price. It is the Contractor's responsibility to secure participation in the work of the contract by MBE/WBE/SDVOB in satisfaction of the goals, or to document satisfactory good-faith efforts taken to fulfill the goals. Participation is measured as the amount actually paid to MBE/WBE/SDVOB's, not the contract bid price for the work.

2.11 New York State Equitable Business Opportunities (EBO)

NYS EBO (Equitable Business Opportunities) will be utilized for this project. Bidders must either be or become registered with NYS EBO (Equitable Business Opportunities) and be prepared to meet the goals or apply for an exemption. Refer to <https://www.dot.ny.gov/dotapp/ebo> for detailed information.

2.12 Prime Contractor

The Contractor shall perform, with its own organization, contract work amounting to not less than 30 percent of the total contract bid price. The Contractor's own organization shall include only workers employed and paid directly by the Contractor and equipment owned or rented by it. The amount subcontracted will be computed based on contract pay item bid prices, except where a Subcontractor is identified as performing less than the full scope of an item. Refer to NYSDOT Standard Specifications, Section 108-05 "Subletting or Assigning the Contract."

3.0 PROJECT REVIEW

3.1 Summary of Work

Base Bid:

Replacement of bridge deck timbers and approximately 250 feet of approach track work at each bridge approach including removal and replacement of select cross ties, gaging, raising, lining and surfacing track at four bridges:

- MP 13.94 over Water Valley Eighteen Mile Creek
- MP 15.85 over Eden 18 Mile Creek
- MP 22.25 over Franklin Gulf
- MP 32.90 over Cattaraugus Creek

- Removal and installation of marked cross ties, gaging, raising, lining and surfacing track between MP 30.81 and 32.90 to improve track classification condition to Class 1 from excepted.

Add Alt Bid:

Installation of steel grating and hand railing system, exchange of 11 foot bridge deck timbers included under the base bid with 14 foot bridge deck timbers to support the walkway, and placement of ballast at walkway ends to transition to the track bed.

Site Accessibility

The following are the closest points of access to the project sites for reference. The Contractor will be responsible for all arrangements and costs associated with the use of these access points or others not listed that may be established.

- MP 13.94 over Water Valley Eighteen Mile Creek
 - Stevens Road public grade crossing approx. 400' north
 - South Creek Road public grade crossing approx. 400' south

- MP 15.85 over Eden 18 Mile Creek
 - Hickox Road public grade crossing approx. 0.8 miles north
 - Belknap Road public grade crossing approx. 0.3 miles south
 - Private access driveway leading to south end of bridge from Preischel Farms.

- MP 22.25 over Franklin Gulf
 - Sandrock Road public grade crossing approx. 1.0 miles north
 - School Road public grade crossing approx. 0.5 miles south

- MP 32.90 over Cattaraugus Creek
 - Erie Ave public grade crossing approx. 0.1 miles north
 - Chestnut Street (dead end) approx. 100' south. This is on south side of Cattaraugus Creek in Cattaraugus County and on the New York and Lake Erie Railroad's side of the bridge and trackage. Use of this access point on NYLE/Cattaraugus County side will require permission and OTS from NYLE RR and indemnifying as additional insured both NYLE RR and County of Cattaraugus IDA.

- Track rehabilitation between MP 30.81 and 32.90
 - Wheeler Road public grade crossing at MP 30.72
 - NYS Rte 62 public grade crossing at MP 30.81
 - East Main Street (Zoar Road) public grade crossing at MP 32.50
 - Erie Ave public grade crossing at MP 32.77
 - There are also a couple of private driveways within these limits.

Continuously Welded Rail (CWR)

There is Continuously Welded rail (CWR) on Bridges at MP 13.94, MP 15.85 and MP 22.25. So as not to be overly restrictive with means and methods, the Contractor will be responsible for developing and submitting a plan describing how bridge deck ties will be replaced considering the presence of CWR. This plan shall be prepared and submitted to the BSOR for review and approval prior to any construction activities being started. Provisions included in the current AREMA specifications and the BSOR's "Procedures for the installation, adjustment, maintenance and inspection of CWR" shall be followed as the basis. The cost of all work related to CWR shall be included under the various items in the contract; no additional payment will be made.

Preferences of the BSOR for working with the CWR on this project are as follows:

- Limit the number of times the CWR is cut to access work areas.
- Strongly encourage that no field welding will be performed on the bridge.

4.0 BIDDERS QUESTIONS

The following questions were asked during the pre-bid meeting:

Q1: Who will be responsible for providing railroad flagging and assuming the cost?

A1: The BSOR will provide flagging for the project as part of its "in-kind contribution" to the project at their own cost (no cost to the Contractor). The Contractor will be responsible for regularly coordinating their activities with the BSOR to provide flagging protection.

Q2: Will there be any drainage improvements included, especially within the limits of track rehabilitation between MP 30.81 and MP 32.90?

A2: No drainage improvements are included in the scope of work of the project. The BSOR will perform ditching along select areas between MP 30.81 and MP 32.90 in Spring 2025 prior to the Contractor beginning work as part of its "in-kind contribution" to the project.

Q3: Is there any new or relay rail to be included in the project?

A3: No new or relay rail is included in the project. Existing rails, including both running rails and guard rails may be removed and replaced when replacing bridge deck timbers. Track rehabilitation work between MP 30.81 and 30.90 only includes removal and replacement of select cross ties, gaging, raising, lining and surfacing, replacement of missing or damaged tie plates and missing rail anchors.

Q4: Will a production tamper be required or can a pup tamper be used?

A4: A production tamper shall be used for track rehabilitation work in between MP 30.81 and MP 32.90. A production or pup tamper may be used for the bridge approaches at MP 13.94, MP 15.85 and MP 22.25.

Q5: For track rehabilitation work in between MP 30.81 and MP 32.90, does every tie need to be tamped or just replaced ties?

A5: All ties should be tamped.

Q6: What type of rock material will be permitted for ballast stone material? Granite, limestone, etc.?

A6: The BSOR has generally been using limestone for their track ballast. Ballast provided will need to be clean (washed) and of the correct size. The contract documents include

information for the correlation between AREMA and NYSDOT gradations for reference.

Q7: In striving to meet M/WBE & SDVOB goals, what weight do material suppliers and trucking company contributions carry towards meeting goals? Are they recognized at 100% or a lesser amount?

A7: Please refer to NYSDOT Standard Specifications, Section 102-12 "DBE/MBE/WBE/SDVOB Participation." Subsections 102-12D "Counting DBE/MBE/WBE/SDVOB Participation Towards the DBE/MBE/WBE/SDVOB Goals" and 102-12E "Commercially Useful Function" specifically outline how minority enterprise contributions are considered towards a projects defined goals.

Q8: Will materials purchased for this project be tax exempt?

A8: Yes. Materials purchased for the project will be tax exempt. A tax exempt form/statement for the project will be provided to the Contractor. Refer to NYSDOT Standard Specifications, Section 102-13 "State and Local Tax Exemptions."

Q9: Will OSHA 10 training be required for labor working on the project?

A9: Yes. Per the NYSDOL Prevailing Wage Rate Schedule included in the contract documents, Article 8 §220-h requires that every worker employed in the performance of a public work contract with a value exceeding \$250,000 shall be certified as having completed an OSHA 10 safety training course. The intent of this provision is to require that all employees of public work contractors, required to be paid prevailing rates, receive such training "prior to performing any work on the project."

Q10: For the concrete shim work called out at the tops of the masonry abutment approaches to the bridges to replace the existing deteriorating timber shims supporting the approach ties, can precast concrete shims or panels be used?

A10: Precast concrete shims/panels may be used provided the Contractor can assure their final fitment. Concrete specified in the contract documents for these repairs specifies a 5,000 psi rapid set type concrete capable of achieving a minimum structural strength of 3,000 psi within 3 hours of placement and a minimum of 5,000 psi within 24 hours of placement.

Q11: Will timber guards on the outside edges of the bridge deck ties be replaced?

A11: Yes. New 4" x 8" guard timbers shall be provided and installed by the Contractor as per the contract documents.

Q12: What size are the existing running rails within the defined project areas?

*A12: Bridge 13.94: 115 Running Rail / 110 Guard Rail
Bridge 15.85: 112 Running Rail / 110 Guard Rail
Bridge 22.25: 112 Running Rail / 90 Guard Rail
Bridge 32.90 130 Running Rail / 110 Guard Rail*

Q13: Will any materials be provided by the Railroad?

A13: No. The Contractor will be responsible for procuring and providing all required materials for the project.

Q14: Will the Railroad mark out ties to be replaced?

A14: Yes. The Railroad will mark out ties to be replaced. The Contractor will be responsible for supplying any plates missing or lost during tie renewal. The BSOR after marking ties will give its best estimate of the numbers of each size plate that will be needed.

Q15: Is the tie table for BR 13.94 is correct. On sheet ST1-05 & ST1-06 they have listed ties 197-261 on both sheets. Ties 68-133 are missing. The quantities also do not match up with the BOM. Can you check with the Engineer or Owner?

A15: The tie table for MP 13.94 on Sheet ST1-05 was incorrect and has been updated. The Bill of Materials table on ST1-04 has also been updated. Sheet ST1-06 was OK as is. Revised sheets are included with this addendum.

5.0 CONTRACT DOCUMENT UPDATES

The following Drawing Sheets have been revised:

ST1-02 – Note 1 was updated to provide correct referencing.

ST1-04 – Bill of Materials Table was updated.

ST1-05 – Bridge Deck Tie Table was updated.

ST2-02 – Note 1 was updated to provide correct referencing.

ST3-02 – Note 1 was updated to provide correct referencing.

ST4-02 – Note 1 was updated to provide correct referencing.

The following Specifications have been revised:

Item 675.70000023 – Furnish and Install Bridge Deck Timbers

6.0 VIRTUAL TOUR OF THE PROJECTS WORK LOCATIONS

A presentation was given during the pre-bid meeting. The slides will be provided for informational purposes to interested Bidders.